

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 4:15-cr-050

MICHAEL ALLEN TARVER

**MOTION TO SUPPRESS**

COMES NOW the defendant, by and through counsel, and files this his Motion to Suppress and in support thereof sets forth the following:

1. The GPS appears to have been tampered with. The defendant is in the process of locating and having what information is available examined by an expert.
2. The GPS results are faulty.
3. Only a small portion of the GPS results were produced. The remainder have either been destroyed or not saved. These would have been exculpatory.
4. The GPS was installed illegally out of an act of trespassing.
5. The aforesaid problems with the GPS evidence produced thus far go to its accuracy and reliability under Rule 702(b) of the Federal Rules of Evidence.
6. Given the fact that the government cannot establish a proper foundation of the admissibility of the limited information available from this particular device as required by Federal Rules of Evidence 701.
7. In addition, the accuracy of this particular device is not corroborated by the facts of the case of the aforesaid circumstances See *United States v. Brooks* 715 F.3d 1069 (8<sup>th</sup> Cir. 2013).

8. Under the circumstances of this particular case the admissibility of the partial GPS tracking reports violate the confrontation clause.

9. Boyle-Skene Water corporation receives federal funding as a result they are an agent of the Government and the Government is responsible for producing all of the information concerning the GPS and is not permitted to hide behind the failure to maintain historical records in this case the vast portion of the GPS which would have been exculpatory.

WHEREFORE PREMISES CONSIDERED, Defendant respectfully requests that this Court grant his Motion to Suppress in the above styled cause.

Respectfully submitted,

MICHAEL ALLEN TARVER

By: /s/ Cynthia A. Stewart  
CYNTHIA A. STEWART

SUBMITTED BY:

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**CERTIFICATE OF SERVICE**

I, Cynthia A. Stewart, do hereby certify that I have this day caused to be filed a true and correct copy of the foregoing document using the Court's CM/ECF system, which sent a true and correct copy of the same to all counsel of record.

**SO CERTIFIED**, this the 11<sup>th</sup> day of September, 2015.

/s/ Cynthia A. Stewart  
Cynthia A. Stewart